

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: 6
HON. WARREN R. DARROW
CASE NO. P1300CR20081339

JEANNE HICKS, CLERK
By: Lilly Miller, Deputy Clerk
DATE: August 13, 2010

FILED
DATE: August 13, 2010
5:00 O'Clock P.M.
JEANNE HICKS, CLERK
BY: Lilly Miller
Deputy

TITLE:

STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN CARROLL DEMOCKER,

Defendant.

COUNSEL:

Yavapai County Attorney (e)
Joseph Butner / Jeffrey Paupore
(For Plaintiff)

John Sears (e)
and
Larry Hammond / Anne Chapman
OSBORN MALEDON, P.A.
2929 North Central Avenue, 21st Floor
Phoenix, AZ 85012
(For Defendant)

HEARING ON:

Jury Trial – Day 36

NATURE OF PROCEEDINGS

COURT REPORTER

Mina Hunt (a.m.) / Holly Draper (p.m.)

START TIME: 9:17 a.m.

APPEARANCES: Joseph Butner, Co-Counsel for the State
Jeffrey Paupore, Co-Counsel for the State
Steven DeMocker, Defendant (in custody)
John Sears, Co-Counsel for Defendant
Larry Hammond, Co-Counsel for Defendant
Anne Chapman, Co-Counsel for Defendant

At 9:17 a.m., Court reconvenes in the Division 6 Courtroom with Counsel Butner, Counsel Hammond, Counsel Sears, Counsel Chapman, the Defendant, and the jury present. Counsel Paupore is not present.

Dr. Philip Keen is sworn and testifies.

Counsel Butner offers Exhibit 808. After examining the witness on *voir dire*, Counsel Hammond has no objection to Exhibit 808. Exhibit 808 is admitted into evidence.

Counsel Butner offers Exhibit 583. Counsel Hammond examines the witness on *voir dire*. Counsel has no objection to the admission of Exhibit 583, but requests that the original of the exhibit be produced. Exhibit 583 is admitted into evidence and directs that the original of Exhibit 583 be produced.

Court and Counsel meet at sidebar, on the record, outside the presence of the jury.

The Court notes, this is the time for the morning recess. The Court advises the witness of requirements of the Rule Excluding witnesses and reminds the jury of the admonition.

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~ ~ ~ ~ ~ Recess 10:20 a.m. ~ ~ ~ ~ ~

At 10:53 a.m., Court reconvenes with the Defendant, jury, and Counsel previously announced present. Dr. Philip Keen, previously sworn, resumes testimony. Counsel Butner gives Counsel Hammond the original of Exhibit 808, the autopsy report, for review. After examining the witness on *voir dire*, Counsel Hammond has no further objections to the exhibit.

Exhibits 2922, 2921, 2920, 2924, and 2923 are admitted into evidence without objection.

Exhibits 2927, 2929, and 2930 are admitted into evidence without objection.

The Court notes, this is the time for the lunch recess. The Court directs the jury to return at 1:10 p.m.

~ ~ ~ ~ ~ Recess 11:50 p.m. ~ ~ ~ ~ ~

At 1:25 p.m., Court reconvenes with the Defendant and Counsel previously announced present. The jury is not present. Discussion ensues regarding the autopsy photographs that were submitted by the State today and marked as exhibits, and which photographs were previously approved by Judge Lindberg.

Counsel Butner discusses Exhibit 2919. Counsel Sears objects to the admission of Exhibit 2919. The Court notes the new objection, but the prior foundational objection has been remedied.

Discussion ensues regarding the issue of the juror's laptop and how the Court will address that issue.

At 1:49 p.m., the jury is brought into the Courtroom.

Dr. Philip Keen, previously sworn, resumes testimony.

Exhibits 2954, 2950, 2952, 2947, 2948, and 2949 are admitted into evidence without objection.

Counsel Butner offers Exhibit 2925. Counsel Hammond examines the witness on *voir dire* and has no objection to the exhibit. Exhibit 2925 is admitted into evidence.

Counsel Butner offers Exhibit 2926. After examining the witness on *voir dire*, Counsel Hammond objects to Exhibit 2926. The objection is overruled and Exhibit 2926 is admitted into evidence.

Counsel Butner offers Exhibit 2933. After examining the witness on *voir dire*, Counsel Hammond has no objection. Exhibit 2933 is admitted into evidence.

Exhibit 2932 is admitted into evidence without objection.

Counsel Butner offers Exhibit 2931. After examining the witness on *voir dire*, Counsel Hammond has no objection. Exhibit 2931 is admitted into evidence.

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Counsel Butner offers Exhibit 2936. After examining the witness on *voir dire*, Counsel Hammond has no objection. Exhibit 2936 is admitted into evidence.

The Court notes, this is the time for the afternoon recess. The Court advises the jury that they are not allowed to have any type of computer equipment in the jury room.

~~~~~ Recess 2:49 p.m. ~~~~~

At 3:14 p.m., Court reconvenes with the jury, the Defendant, and Counsel previously announced present.

Dr. Keen, previously sworn, resumes testimony.

Counsel Butner offers Exhibit 2938. After examining the witness on *voir dire*, Counsel Hammond objects to Exhibit 2938. The objection is overruled and Exhibit 2938 is admitted into evidence.

Counsel Butner offers Exhibit 2934. Counsel Hammond objects. The objection is overruled and Exhibit 2934 is admitted into evidence.

Counsel Butner offers Exhibit 2939. Counsel Hammond objects. The objection is overruled and Exhibit 2939 is admitted into evidence.

Counsel Butner offers Exhibit 2935. Counsel Hammond objects. The objection is overruled and Exhibit 2935 is admitted into evidence.

Counsel Butner offers Exhibit 2953. After examining the witness on *voir dire*, Counsel Hammond objects. The objection is overruled and Exhibit 2953 is admitted into evidence.

The Court notes, this is the time for the evening recess. The Court directs the jury to reassemble at 9:00 a.m. on August 24, 2010.

The Court advises the witness of the requirements of the Rule Excluding Witnesses and excuses him.

The Court reminds the jury of the admonition and excuses them.

**END TIME: 4:08 p.m.**

cc: Division 6  
County Attorney (e)  
John Sears (e)  
Osborn Maledon, P.A.  
Victim Services (e)  
YCSO – Detention / Records (e)  
Dean Trebesch (Contract Administrator, PD) (e)  
Christopher DuPont, Trautman DuPont PLC, 1726 North Seventh St., Phoenix, AZ 85006, Counsel for Victims  
Charlotte and Katherine DeMocker  
John Napper (e) – Counsel for Renee Girard, witness